

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

KINGDOM GROUP INVESTMENTS, INC

Vs

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION

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Civil Action 4:20-cv-00121-ALM-  
CAN

PLAINTIFF'S AMENDED COMPLAINT

To: THE HONORABLE JUDGE OF SAID COURT:

Comes now Plaintiff, KINGDOM GROUP INVESTMENTS, INC., and suing for causes of action alleges as follows:

I

JURISDICTION

This suit commenced in the District Court of Denton County, Texas, and was removed to this Court under 28 U.S.C. §1446. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1332. The amount in controversy exceeds \$75,000.

II

VENUE

Venue is proper in this county because this suit concerns title to real estate located herein.

### III

#### PARTIES

Plaintiff is KINGDOM GROUP INVESTMENTS, INC., a Texas Corporation.

Defendant is JPMORGAN CHASE BANK, NATIONAL ASSOCIATION.. Defendant is a national banking association and claims to be a citizen of Ohio. The amount in controversy exceeds \$75,000.

Plaintiff pleads, pursuant to Rule 54, Tex.R.Civ.Pro., that all conditions precedent to its right to recover have occurred.

### IV

#### FACTS

1. This suit concerns that certain house and lot located at 2752 Sunlight Drive, Little Elm, Texas, 75068, and more particularly described as Lot 32, Block 1, Sunset Pointe Phase 1, an Addition to the City of Little Elm, according to the Plat thereof recorded in Volume V, Page 351, Plat Records of Denton County.
2. Plaintiff acquired the property on or about July 2, 2019, recording its deed as instrument No. 2019-80514.
3. Plaintiff's predecessor in interest is Deandra M. Lee, who acquired the property on or about October 30, 2006, and recorded her deed as Instrument No. 2006-136750.
4. On that same date Deandra M. Lee granted a deed of trust to Mortgage Electronic Registration Systems, Inc., (MERS) , and recorded same as Instrument No. 2007-136751.

5. On that same date Deandra M. Lee granted a deed of trust in favor of MERS recording same as instrument No. 2006-136752.
6. Defendant claims ownership of both deeds of trust by virtue of assignments.
7. The property is subject to a certain Declaration granting to the governing home owners association a lien to secure assessments. The Declaration makes its lien senior to second deeds of trust and all liens other than first mortgage deeds of trust and taxes.
8. By virtue of Plaintiff's acquisition of the property at a home owners association lien sale, the second deed of trust was extinguished and is now unenforceable.
9. Plaintiff is informed and believes and based thereon alleges that the applicable statute of limitations prevents the powers of sale from being exercised. Plaintiff bases this upon the discovery that Deandra Lee was in arrears in her obligations to the governing home owners' association in 2012, which liened the property at that time. Therefore, Plaintiff is informed and believes and based thereon alleges that the note secured by the deed of trust was accelerated more than four years before the filing of suit.
10. Plaintiff further alleges that in the event that the deed of trust is not discharged, Plaintiff is the owner of the equity of redemption, and as such has the right to service and/or pay off the note prior to the exercise of the powers of sale by Defendant, or its successor.

V

CAUSES OF ACTION

A

QUIET TITLE

1. Plaintiff incorporates by this reference each allegation above.

2. The interest claimed by defendant appears to be valid and legitimate.
3. In fact, the interest is void because the powers under the deed of trust are unenforceable.
4. Plaintiff prays that the Court render a decree quieting title in the property in Plaintiff.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to answer and appear herein, and that upon final trial Plaintiff be awarded the relief prayed for above, for costs of Court, and for such other and further relief as the Court deems just.

Respectfully submitted,

/s/ Kenneth S. Harter  
Kenneth S. Harter  
State Bar ID 09155300

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#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on counsel for Defendant via the ecf system, addressed to:

Ms. Shelly Hopkins  
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/s/ Kenneth S. Harter  
Kenneth S. Harter